

REMARKS

The final Office Action of April 21, 2005, has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-8 are pending. Claims 9-26 have been withdrawn.

Claim 4 stands objected to as including the phrase "said appraiser including a communication device..." Claim 4 has been amended. No new matter has been entered.

Claims 1, 4-6, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Giovannoli (U.S. Patent 5,758,328). Applicants traverse.

Claim 1 recites:

“ transmitting electronic information related to said request
for said appraisal to said appraiser;

 receiving electronic information relating to appraising work
from said appraiser; and,

 transmitting a completed appraisal containing said
information relating to said appraising work.”

Giovannoli relates to a request for quote system.

The Examiner asserts that the "appraisal" is a field of use limitation. Applicants traverse this position as the appraisal is what is transmitted as a result of the method of claim 1.

Accordingly, the “appraisal” as recited in claim 1 is not a field of use but an end result of a service requested and performed.

The Examiner asserts that the transmitting step that transmits a completed appraisal is met by Giovannoli’s transmission of an email to the buyer. However, the email is only a list of quotes, not the underlying completion of the service purchased by the user. In Giovannoli, the user then needs to complete a separate transaction apart from the RFQ and email from the hub to order and receive the requested product or service. This does not equate to the claimed “transmitting a completed appraisal containing said information relating to said appraising work” as recited above. Claim 1 recites transmitting “a completed appraisal” not a plurality of appraisals. There is nothing in Giovannoli cited by the Examiner that pertains to transmitting the result of the service to the user. Accordingly, Giovannoli fails to teach or suggest claim 1 as pending.

Claims 4-6 and 8 are allowable for similar reasons.

Claims 2-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Giovannoli in view of XML By Example Is Here by PeopleSoft. Applicants traverse.

XML By Example Is Here by PeopleSoft fails to teach or suggest the aspects of claim 1 missing from Giovannoli. Accordingly claims 2-3 are allowable over the combination.

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Amendment dated March 21, 2006
Reply to Office Action of April 21, 2005

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Applicants hereby give authorization to charge any fee associated with this submission or any additional fee due to Deposit Account 19-0733. If there are any questions the Examiner is invited to contact the undersigned.

Respectfully submitted,
BANNER & WITCOFF, LTD.

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